



486069

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification Prior Application:  
of this Application: Exam'r: Ardin Marschel, Ph.D.

Attorney's

Docket No.:

Enz-5 (D8)(C2)Class \_\_\_\_\_ Subclass \_\_\_\_\_ Group Art Unit: 1807**FILED BY EXPRESS MAIL**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**BOX FWC (if under \$1.62)**

Sir:

This is a request for filing a X CONTINUATION \_\_\_\_\_ DIVISIONAL  
\_\_\_\_\_ CONTINUATION-IN-PART application under \_\_\_\_\_ 37 CFR §1.60  
X 37 CFR §1.62, of pending prior application Serial No. 07/954,772.  
filed on September 30, 1992 of Dean L. Engelhardt et al.

Inventor(s)

for:

**HYBRIDIZATION ASSAY METHOD**

Title of Invention

1. \_\_\_\_\_ Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. \_\_\_\_\_ A copy of the verified statement under 37 CFR §1.9 and §1.27 establishing small entity status in the prior application is enclosed. Small entity status is still applicable.
3. X \_\_\_\_\_ The filing fee is calculated as follows:

| CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT           |                 |   |                 |   |                 |                 |   |                 |                 |
|-------------------------------------------------------------------|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
|                                                                   |                 |   |                 |   | RATE            |                 |   | FEE             |                 |
|                                                                   | Number<br>Filed |   | Number<br>Extra |   | Small<br>Entity | Other<br>Entity |   | Small<br>Entity | Other<br>Entity |
| Total<br>Claims                                                   | 39              | = | 19              | x | \$ 11           | \$22            | = | \$ --           | \$ 418          |
| Independent<br>Claims                                             | 1               | = | 0               | x | \$ 38           | \$76            | = | \$ --           | \$ 0            |
| Multiple Dependent<br>Claims Presented: _____ Yes <u>x</u> No     |                 |   |                 |   | \$120           | \$240           |   | \$ ---          | \$ 0            |
| If the difference in Col. 1 is less than zero, enter "0" in Col.2 |                 |   |                 |   |                 | BASIC<br>FEE    |   | \$<br>365       | \$730           |
|                                                                   |                 |   |                 |   |                 | TOTAL<br>FEE    |   | \$ ---          | \$1148          |

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## EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. TB842440643Deposit Date JUNE 7, 1995

I hereby certify that this paper and the attachments  
herein are being deposited with the United States  
Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the date  
indicated above and is addressed to the Commissioner of  
Patents and Trademarks, Washington DC 20231

Ronald C. Fedus  
Reg. No. 32567

Date JUNE 7, 1995

Engelhardt et al.

Serial No.: Not Yet Assigned

Filed: Herewith

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4. ☒ The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 CFR §1.16.

☒ Any patent application processing fees under 37 CFR §1.17.

5. ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

☒ Any patent application processing fees under 37 CFR §1.17.

☐ The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.

6. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.

7. ☐ Cancel claims \_\_\_\_\_

8. ☒ Amend the specification by inserting before the first line of the sentence: --- This is a ☒ continuation, \_\_\_\_\_ divisional, \_\_\_\_\_ continuation-in-part, of application Serial No. 07/954,772, filed on September 30, 1992.---

EEI

9. ☒ Transfer the drawings from the prior application.

10. ☐ Informal \_\_\_\_\_ Formal \_\_\_\_\_ drawings are enclosed.

11. ☒ Abandon said prior application as of the filing date accorded this application. A **duplicate** copy of this sheet is enclosed for filing in the prior application file.

12. ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ is claimed under 35 U.S.C. §119. \_\_\_\_\_ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_

13. ☒ The prior application is assigned of record to Enzo Diagnostics, Inc., c/o Enzo Biochem, Inc., 575 Fifth Avenue, New York, New York 10017.

14. ☐ A preliminary amendment is enclosed.

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15.   X   The power of attorney in the prior application is to:  
Ronald C. Fedus, Reg. No. 32,567.
- (a)   X   The power appears in the original papers in the prior application.
- (b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)        A copy of a new substitute power of attorney is enclosed.
- (d)   X   Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald C. Fedus, Esq.  
Enzo Diagnostics, Inc.  
c/o Enzo Biochem, Inc.  
575 Fifth Avenue (18th Floor)  
New York, New York 10017

16.        Also accompanying this Request \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
17.        I hereby verify that the attached papers are a true copy of prior application \_\_\_\_\_, filed on \_\_\_\_\_.
18.   X   The parent application (Serial No. 07/954,772) was revived as evidenced by a March 20, 1995 Decision on Applicant's Petition under 37 CFR 1.137(b). The parent application is presently copending with the filing of this new continuation application.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the  
application or any patent issuing thereon.

June 7, 1995

Date

  
\_\_\_\_\_  
Signature [Ronald C. Fedus]

Registration No. 32, 567

Attorney for Applicants

\_\_\_\_\_  
Inventor(s)

\_\_\_\_\_  
Assignee of Complete Interest

X\_\_\_\_\_  
Attorney or Agent of Record

\_\_\_\_\_  
Filed under 37 CFR §1.34(a)

Address of Signator:

Enzo Diagnostics, Inc.

c/o Enzo Biochem, Inc.

575 Fifth Avenue (18th Floor)

New York, New York 10017

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